

Appl. No. 10/605,914
Amtd. dated August 21, 2006
Reply to Office action of June 21, 2006

In The Drawings:

The attached sheets of drawings include changes to Figs. 1-4. The sheets, which include Figs. 1-4, replace the original sheets including Figs. 1-4. In Figs. 1-4, a legend
5 --Prior Art-- is added.

Attachment: Replacement Sheet
Annotated Sheet Showing Changes

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REMARKS

Present Status of Application

- 5 The Office Action reject claims 1-18. Specifically, claims 1-4 and 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamada et al (U.S. Pat. 5,668,791), and claims 7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Gitzendanner (U.S. Pat. 4,117,997).
- 10 Moreover, claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al in view of Brown et al (U.S. Pat. 6,116,566), and claims 8-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gitzendanner in view of Brown et al.
- 15 Further, claims 1-12, 18 are rejected under 35 U.S.C. 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

20 Applicant has carefully considered and studied all the references and respectfully traverses the rejections and requests reconsideration of all rejection claims.

Summary of Application

- 25 The present application provides a locking member which is used in an optical disk drive. The optical disk drive has a disc tray which can be ejected out of the optical disk drive for loading an optical disk. The disc tray has a locking mechanism, and the locking mechanism locks/releases the disc tray by engaging/disengaging with the locking member.

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The locking member is improved in the present application to have a stronger structure from being damaged under a shock.

5 **Discussion of Office Action Rejections**

Rejection of claims 1-12, 18 based on 35 U.S.C. 112

Examiner states that claims 1 and 7 provides for the use of a locking member in an optical disk drive, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass.

It is a misunderstanding. Actually, claims 1 and 7 are not method/process claims. The claimed matter in both claims 1 and 7 is the structure of a locking member used in an optical disc drive. Claims 1 and 7 have been amended to more clarify the claimed matter—a locking member used in an optical disk drive. Specifically, the optical disk drive has a locking mechanism disposed on a disk tray, and the locking member functions to lock the disk tray in the optical disk drive with the locking mechanism.

20 Therefore, claims 1 and 7 are clear to provide a locking member used in an optical disc drive, and they are apparatus claims, not method/process claims.

Claims 6, 12-18 have been cancelled without prejudice.

25 Claims 19-21 are new added without new matters. In [0023] and lines 7-10, the disk tray, moveably disposed inside the chassis, can be ejected along a direction of arrow A as shown in FIG. 5 for loading an optical disk and then be push back into the chassis. In [0023] and lines 11-15, the locking mechanism and the locking member are positioned on

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the disk tray and inside the chassis and function to prevent the disk tray from being ejected. Further, in [0027] and lines 16-19, the application discloses that the locking member can be fixed on the chassis only by riveting.

5 **Rejection of claims 1-4 and 13-16 based on 35 U.S.C. 102(b)**

The Office Action pointed out that the Yamada patent (U.S. Pat. 5,668,791) discloses a locking element comprising a hollow element 330b, a protuberance, a rivet 332 and a locking mechanism 24. However, the elements numbered 330b and 332 shown in FIG. 32 10 of the Yamada patent are not a locking element. Actually, the element shown in FIG. 32 of the Yamada patent is a damper unit (see column 5 and lines 61-63).

The locking element in the present application is like a locking pin for engaging/disengaging with the locking mechanism, therefore, to lock/unlock the disk tray 15 in the optical disk drive. The present application provides a specific structure of the locking element (locking pin) to withstand a larger shock or impact.

Therefore, it is not appropriate to compare the element--damper unit, shown in FIG. 32 of the Yamada patent, with a locking element claimed in the present application. And, 20 the Yamada patent fails to disclose all the claimed elements in the independent claims 1, 7 and 19.

For at least this reason, claims 1 patently define over the Yamada patent and should be allowed. Moreover, since claims 2-5 depend from claim 1, they patently define over 25 the Yamada patent for at least the same reason.

Claims 13-16 have been cancelled without prejudice.

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Rejection of claims 7 and 10 based on 35 U.S.C. 102(b)

The Office Action also pointed out that the Gitzendanner patent (U.S. Pat. 4,117,997) discloses a locking element comprising a bushing 21, a protuberance, a washer 23 and a rivet 22. However, the elements numbered 22 is a bolt 22, and all of the elements such as the bolt 22, bushing 21 and washer 23 in the Gitzendanner patent are used to securing a motor mount 16 to a base plate 18 (see column 2 and lines 20-21). Therefore, it is not appropriate to compare the securing element disclosed in the Gitzendanner patent with a locking element claimed in the present application.

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Besides, the bolt 22 dose not contact to the protuberance. The Gitzendanner patent fails to disclose the claimed elements in claim 7. For as least these reasons, claim 7 patently defines over the Gitzendanner patent and should be allowed. Moreover, since claims 8-11 depend from claim 7, they patently define over the Gitzendanner patent for at 15 least the same reasons.

Rejection of claims 5, 8-9, 11 and 17 based on 35 U.S.C. 103(a)

The Office Action recites that claims 5 and 17 are rejected under 35 U.S.C. 103(a) as 20 being unpatentable over Yamada et al in view of Brown et al (U.S. Pat. 6,116,566), and claims 8-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gitzendanner in view of Brown et al.

As the independent claim 1 is patently defined over the Yamada patent, claim 5 25 depending form claim 1 is patentable over the Yamada patent in view of the Brown patent.

Also, as the independent claim 7 is patently defined over the Gitzendanner patent,

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claims 8-9 and 11 depending from claim 7 are patentable over the Gitzendanner patent in view of the Brown patent.

Claim 17 has been cancelled without prejudice.

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Conclusion

Accordingly, Applicants respectfully submit the claims 1-5, 7-11 and 19-21 to overcome the rejection under 35 U.S.C. 102(b) and 103(a). Specifically, the present 10 application cannot be anticipated by Yamada and Gitzendanner and cannot be obvious by further view of Brown. In view of foregoing, it is believed that all pending claims are in proper condition for allowance.

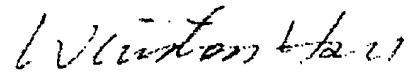
No fee is believed to be due in connection with this amendment and response to 15 Office Action.

In view of the above comments and further amendments to the claims, favorable reconsideration and allowance of all of the claims now present in the application are most respectfully requested.

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Sincerely yours,



Date: August 21, 2006

- Winston Hsu, Patent Agent No. 41,526
- 5 P.O. BOX 506, Merrifield, VA 22116, U.S.A.
Voice Mail: 302-729-1562
Facsimile: 806-498-6673
e-mail : winstonhsu@naipo.com
- 10 Note: Please leave a message in my voice mail if you need to talk to me. (The time in D.C. is 12 hours behind the Taiwan time, i.e. 9 AM in D.C. = 9 PM in Taiwan.)

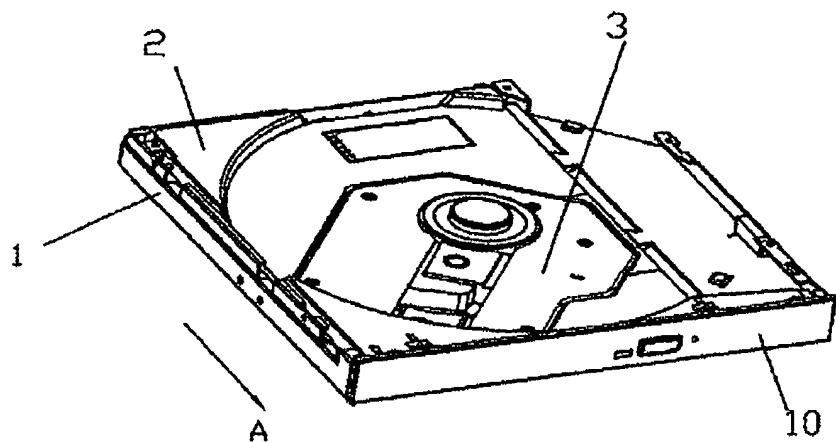
Annotated Sheet Showing Changes

FIG. 1 (Prior Art)
Designating a legend
--Prior Art--

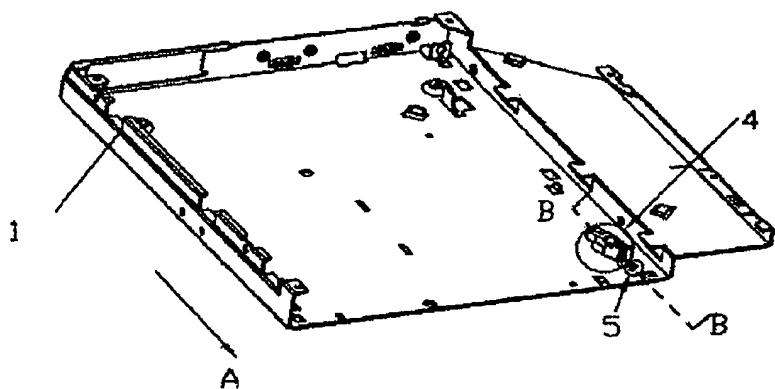


FIG. 2 (Prior Art)
Designating a legend
--Prior Art--

Annotated Sheet Showing Changes

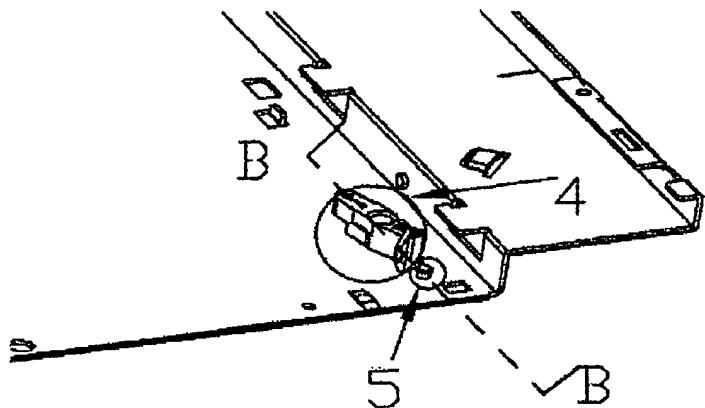


FIG. 3 (Prior Art)

Designating a legend
--Prior Art--

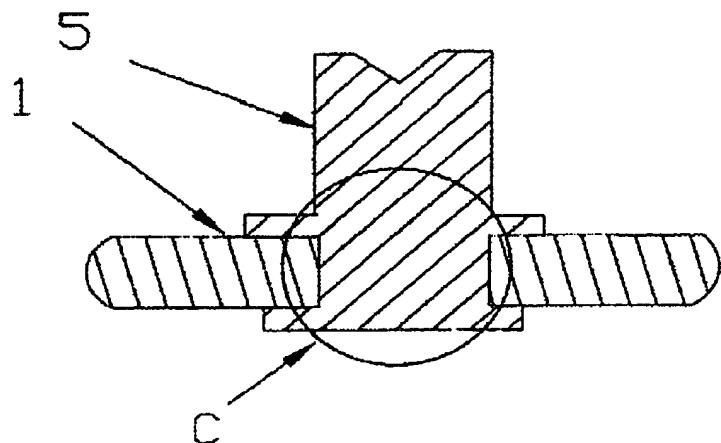


FIG. 4 (Prior art)

Designating a legend
--Prior Art--